

# General Order

## Houston Police Department



ISSUE DATE:

August 21, 2020

NO.

800-10

**REFERENCE:** Supersedes all prior conflicting Circulars and Directives, and General Order 800-10, dated November 6, 2015

**SUBJECT: POLICE RECORDS**

### POLICY

Retention and disposal of *City records* and dissemination of information contained therein shall be done in accordance with applicable laws and ordinances.

This General Order applies to all employees.

### DEFINITIONS

**Agreed Order of Expunction/Sealing of Criminal Records.** A court-ordered physical destruction or obliteration of a criminal, civil, or juvenile record or portion thereof by any criminal justice agency having possession of such record.

**City Records.** Any record so defined by the municipal ordinance (§2-111) dealing with municipal records management.

**Criminal Justice System.** Courts and governmental agencies that perform the administration of criminal justice pursuant to a statute or executive order and allocate a substantial part of their budget to the administration of criminal justice.

**Hard Copy.** Printed output on paper as distinguished from data stored on electronic media.

**Open Records Request.** A written request for any information collected, assembled, or maintained by the Houston Police Department.

## 1 OPEN RECORDS

All *open records requests* shall be submitted in writing to the department's Open Records Unit (ORU) in the Office of Planning & Data Governance (OPDG) within 24 hours after receipt of the request. Upon receipt, the ORU shall immediately consult with the OPDG staff attorney to ensure handling of the request in accordance with the Texas Public Information Act.

The ORU shall advise whether disclosure of the requested record is required or prohibited by law or whether an exception to disclosure is available to the department under the law.

If disclosure of the information is required or if an exception to disclosure will not be claimed by the department, the ORU shall gather the information from the appropriate division and respond to the requestor.

If disclosure of the information is prohibited or the department will claim an exception to the disclosure, the ORU shall gather the information from the appropriate division and follow the guidelines set forth in the Texas Public Information Act.

Divisions that receive a request from the ORU shall immediately determine if the requested information is available. Division commanders who determine that the information is not available shall advise the ORU why the information cannot be provided. If the information is available, it shall be forwarded to the ORU in a timely manner.

Requests from other law enforcement agencies or other governmental entities for statistics, policy and procedure material, survey participation, or information of a general nature, shall be sent directly to the Office of the Chief of Police.

## **2 RELEASE OF INFORMATION**

Employees shall not release copies of an official police report or information obtained from any police report unless authorized by the Chief of Police or this General Order.

If not prohibited by law, employees authorized by their supervisor or assignment may release the following information if the release will not jeopardize an investigation, criminal prosecution, civil litigation in which the City of Houston or the Police Department is a party, or a pending or ongoing police mission.

- a. Suspect's name, alias, gender, race, address, occupation, department blotter number, and physical condition.
- b. Name of the arresting officer.
- c. Date and time of arrest.
- d. Booking information.
- e. Charge.
- f. Identification of the court in which charges have been filed.

Employees shall not release the following information:

- g. Incident report information (other than the public release front page).
- h. Suspect's personal history or arrest records to persons outside the department.
- i. The names of deceased persons until the next of kin have been officially notified.
- j. Information about the identity and description of criminal assault victims.

Requests for information regarding juvenile arrests shall be directed to the division conducting the investigation or OPDG.

### 3 CITIZEN REQUESTS

Employees who receive verbal requests from citizens for information shall refer such requests to the division that can provide the information. If the information is not routinely released, employees shall advise citizens to submit a written request to the ORU.

Records or reports that may be released to or viewed by the public shall be made available each day between the hours of 8 a.m. and 4 p.m. Availability at other times may be approved by the division commander.

Divisions that release department information are responsible for maintaining a log documenting the releases. Employees who release such information are responsible for entering the requesting person's name, telephone number, and other pertinent information in their division log.

### 4 REMOVAL OF RECORDS

Employees shall not remove any official *City record* or report from the department without the approval of the division commander. The removal must be directly related to official police business.

### 5 PERSONNEL PHOTOGRAPHS

Divisions within the department that maintain employee photographs shall secure such photographs so that they are not accessible to unauthorized personnel. Except as provided by this General Order, *hard copies* of HPD personnel photographs shall not be obtained with the use of any department computer imaging system database unless authorized by the Chief of Police.

#### Internal Use of Personnel Photographs

Employees may acquire photographs of other employees only with approval from the requesting employee's division commander. The photographs shall be used for official business only and the use of such pictures shall not endanger the life or physical safety of the employee. Officers assigned to the Internal Affairs Division are exempt from obtaining approval from their division commander before obtaining photographs of employees.

Employees requesting a personnel photograph shall complete a *Personnel Photograph Release* form located on the department's Intranet Portal. The form shall be processed and filed by the Photographic Services Unit (Photo Lab).

Photographs of employees may be given to other employees for the following reasons only:

- a. Investigative purposes
- b. Awards/Commendations
- c. Department authorized media release

**Release to the Public**

All public requests for photographs of employees shall be referred to the ORU.

Only the ORU or Public Affairs may release an employee's photograph to the public.

Photographs of classified employees may be released to the public for the following reasons only:

- a. The classified employee is under indictment or charged with an offense by information.
- b. The classified employee is a party in a police civil service hearing or a case in arbitration.
- c. The photograph is introduced as evidence in a judicial proceeding.

A photograph exempt from disclosure may be made public only if the classified employee gives written consent to the disclosure.

**6 DISSEMINATION OF CRIMINAL HISTORY RECORDS**

The dissemination of criminal history information by the Houston Police Department is subject to Department of Justice regulations found in the United States Code.

The following persons and agencies are eligible to receive criminal history information from this department:

- a. Criminal justice agencies (if the information will be used for criminal justice purposes).
- b. Federal or state agencies specifically authorized by statute to receive such information.

The Records Division shall not disseminate criminal history records and information (CHRI) to any person or agency outside the strict definition of the *criminal justice system*, unless the agency or person is specifically authorized by statute to receive such information.

All divisions of the department shall maintain a dissemination log cross-indexed by name for CHRI given to an individual or agency outside the department unless the dissemination is done in the normal course of processing through the *criminal justice system* or the information is disseminated to a criminal justice agency within Harris County.

Dissemination of CHRI includes oral, printed, or computer-to-computer communication.

**7 SUBPOENAS FOR RECORDS**

All criminal and civil subpoenas that require testimony about the information contained in the subpoena are the responsibility of the division or individual served. If the division subpoenaed questions the validity of a subpoena, the Office of Legal Services shall be contacted.

All subpoenas in which the City of Houston is a party to the lawsuit, or any civil process that is served on the Chief of Police or the department, shall be handled by the Office of Legal Services.

Subpoenas that are served on the department for the production of records or documents shall be forwarded to the Subpoena Unit in the OPDG. If the Subpoena Unit does not have the records that are requested in the subpoena, the subpoena shall be forwarded to the appropriate division.

The responsible division shall immediately obtain the records requested in the subpoena and return the records and the subpoena to the Subpoena Unit.

The Subpoena Unit shall consult with the OPDG staff attorney for legal review of the subpoena and advice as to whether disclosure of the requested records is required or whether there is a legal basis to object to production of the record.

Questions concerning subpoenas shall be directed to the Subpoena Unit in the OPDG.

## 8 EXPUNCTION OF RECORDS

### Responsibilities

Any division that receives an *agreed order of expunction/sealing of criminal records* is responsible for ensuring that it is executed properly.

### Process

The concerned division shall complete the following procedures:

- a. Ensure electronic data files related to the case are removed from the division's electronic data systems.
- b. Gather all of the records subject to the order and return the records to the Records Division within 60 *calendar* days after the date the order was received.
- c. Create a single document to replace the file. The document shall state only the date of the expunction order, the court and number of the expunction proceedings, and the HPD incident number.
- d. Confirm no electronic or written copies of the criminal records are maintained.

### Multiple Defendants

If an *agreed order of expunction/sealing of criminal records* relates to a case with multiple suspects, the responsible division is required only to destroy the documents and computer files

related to the suspect named in the order. Identifying information relating to the individual suspect named in the order shall be redacted or deleted.

Questions concerning agreed orders of expunction shall be directed to the Office of Legal Services.



**Art Acevedo**  
**Chief of Police**